



HAROLD D. MESSNER
1021 NEBRASKA ST.
VALLEJO, CA 94590

Paper No. 3

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In re Application of
Lynne G. Jolitz
Serial No.09/756,668
Filed: January 8, 2001
Attorney Docket No. N/A

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: DECISION GRANTING OFFICE OF PETITIONS
: PETITION
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This is a decision on the petition under 37 CFR 1.10(c) filed February 23, 2001, requesting that the above-identified application be accorded a filing date of January 8, 2001, instead of the presently accorded date of January 10, 2001.

Petitioner alleges that the application was deposited in "Express Mail" service with the United States Postal Service (USPS), on January 8, 2001. In support, petitioners provided a copy of the Express Mail label, receipt no. EF084891803US, showing a Date-In of January 8, 2001. The same Express Mail receipt number was referred to in the original itemized Application Transmittal Letter submitted with the instant petition. Petitioner requests that the application be accorded a filing date of January 8, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label. MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the USPS on January 8, 2001.

In view of the above, the petition is granted.

As a petition under 37 CFR 1.10 is a feeless petition, no fee has been or will be charged.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to **January 8, 2001**.

Thereafter, the application will be forwarded to Technology Center Art Unit 2100 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy